

Technical Assistance Act of 2002: *Provided further*, That \$12,132,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and \$6,051,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

#### INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, \$119,889,000.

#### INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$708,522,000: *Provided*, That \$36,981,000 shall be for subpart 2 of part B of title V: *Provided further*, That \$127,000,000 shall be available to carry out part D of title V of the ESEA, of which \$100,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of (1) a local educational agency, a State, or both and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need areas: *Provided further*, That such performance-based compensation systems must consider gains in student achievement, among other factors, and may reward educators who choose to work in hard-to-staff schools: *Provided further*, That up to \$700,000 of the funds available under title V, part D, subpart 1 of the ESEA may be used for evaluation of the program carried out under the DC School Choice Incentive Act of 2003.

□ 1630

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. PUTNAM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3010), making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

#### LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA. Mr. Speaker, I ask unanimous consent that, during fur-

ther consideration in the Committee of the Whole of H.R. 3010 pursuant to House Resolution 337, notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, may be offered except pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, the additional amendments specified in this order, and amendments en bloc specified in this order; it shall be in order at any time for the chairman of the Committee on Appropriations or a designee, after consultation with the ranking minority member of the Committee on Appropriations, to offer amendments en bloc as follows: Amendments en bloc shall consist of amendments that may be offered under this order, or germane modifications of any such amendment; such amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; all points of order against such amendments en bloc are waived; the original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

The additional amendments specified in this order are as follows:

amendments printed in the CONGRESSIONAL RECORD and numbered 1, 2, 4, 5, 8, 10, 11, 14, 15, 16, 17, and 24;

an amendment by the gentleman from Iowa (Mr. KING) regarding coverage of certain drugs;

an amendment by the gentlewoman from Connecticut (Ms. DELAURO) regarding enforcement of certain compliance agreements;

an amendment by the gentleman from New York (Mr. ENGEL) regarding grants under the Public Health Service Act;

an amendment by the gentleman from Wisconsin (Mr. KIND) regarding designations of critical access hospitals;

an amendment by the gentleman from California (Mr. WAXMAN) regarding certain appointments to Federal advisory committees;

an amendment by the gentleman from California (Mr. GEORGE MILLER) regarding United Airline pension plans;

an amendment by the gentleman from New York (Mr. HINCHEY) regarding the content or distribution of public telecommunications programs and services under the Communications Act of 1934;

an amendment by the gentleman from California (Mr. HONDA) regarding military recruiters;

an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding funding levels and income tax rates;

an amendment by the gentleman from Maryland (Mr. VAN HOLLEN) regarding special allowances under the Higher Education Act;

an amendment by the gentleman from Massachusetts (Mr. MARKEY) regarding interoperable information technology;

an amendment by the gentleman from Ohio (Mr. BROWN) regarding funding for the Medicaid Commission;

amendments by the gentleman from Ohio (Mr. REGULA) regarding veterans programs of the Department of Labor, LIHEAP, section 503 of H.R. 3010, or a limitation on the use of certain education funds; and

an amendment by the gentleman from Georgia (Mr. PRICE) regarding funding for certain education programs.

Each additional amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and an amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. OBEY. Reserving the right to object, Mr. Speaker, I think the Members need to understand what is happening. As we indicated at the beginning of the debate, the gentleman from Ohio and I were trying to work things out so that we could finish debate on this bill this afternoon. That, unfortunately, has not been possible. We have had quite a bit of cooperation from some Members and quite a bit less from others. As a result, it appears that at this moment we still have 26 amendments to consider. As you know, there is an event which some Members of the Congress feel required to attend tonight, not the gentleman from Ohio and not the gentleman from Wisconsin, but because of that event, we are going to be required to begin voting very shortly. An offer was made to continue to debate this bill throughout that event, allowing Members to return afterwards, but that offer was not accepted, and so the problem we have now is that, despite our best efforts, we will be here tomorrow, and, if this unanimous consent agreement is accepted, we might be finished by 3 or 4 o'clock.

Mr. Speaker, I want to say one other thing. I would ask Members in the future if they are offering amendments

to any appropriations bill to please be attentive enough to what is going on on the floor so that we do not pass their amendment in the reading of the bill. If we do that, then there are misunderstandings, somebody thinks somebody else was double-crossed or misled, and we wind up with frayed tempers. The committee cannot be expected to take care of Members who do not take care of their own interests.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 337 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3010.

□ 1643

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. TERRY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the bill was open for amendment from page 68, line 21, through page 69, line 19.

The Chair will describe the supplemental order of the House after disposing of unfinished business.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment offered by the gentleman from Wisconsin (Mr. OBEY), amendment offered by the gentleman from New York (Mr. OWENS), an amendment offered by the gentleman from New Hampshire (Mr. BRADLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT OFFERED BY MR. OBEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

#### RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 284, noes 140, not voting 9, as follows:

[Roll No. 305]

#### AYES—284

Abercrombie	Ferguson	McHugh
Ackerman	Filner	McIntyre
Aderholt	Fitzpatrick (PA)	McKinney
Alexander	Foley	McNulty
Allen	Ford	Meehan
Andrews	Fossella	Meeks (NY)
Baca	Frank (MA)	Melancon
Baird	Frelinghuysen	Menendez
Baldwin	Gallegly	Michaud
Barrow	Gerlach	Millender-
Bean	Gibbons	McDonald
Becerra	Gilchrest	Miller (FL)
Berkley	Gillmor	Miller (MI)
Berman	Gonzalez	Miller (NC)
Berry	Gordon	Miller, George
Biggert	Green, Al	Mollohan
Bishop (GA)	Green, Gene	Moore (KS)
Bishop (NY)	Grijalva	Moore (WI)
Blumenauer	Gutierrez	Moran (KS)
Boehrlert	Hart	Moran (VA)
Bono	Hastings (FL)	Murphy
Boozman	Herseth	Murtha
Boren	Higgins	Nadler
Boswell	Hinchey	Napolitano
Boucher	Hinojosa	Neal (MA)
Bradley (NH)	Holden	Ney
Brady (PA)	Holt	Nunes
Brown (OH)	Honda	Oberstar
Brown, Corrine	Hooley	Obey
Butterfield	Hoyer	Oliver
Camp	Inglis (SC)	Ortiz
Capito	Inslee	Owens
Capps	Israel	Pallone
Capuano	Jackson (IL)	Pascarell
Cardin	Jackson-Lee	Pastor
Cardoza	(TX)	Paul
Carnahan	Jefferson	Payne
Carson	Jenkins	Pelosi
Case	Johnson (CT)	Peterson (MN)
Castle	Johnson (IL)	Peterson (PA)
Chandler	Johnson, E. B.	Petri
Clay	Jones (OH)	Pickering
Cleaver	Kanjorski	Platts
Clyburn	Kaptur	Pomeroy
Coble	Kelly	Porter
Conyers	Kennedy (MN)	Price (NC)
Cooper	Kennedy (RI)	Pryce (OH)
Costa	Kildee	Rahall
Costello	Kilpatrick (MI)	Ramstad
Cramer	Kind	Rangel
Crowley	King (NY)	Reichert
Cubin	Kirk	Renzi
Cuellar	Kolbe	Reyes
Cummings	Kucinich	Reynolds
Cunningham	Kuhl (NY)	Rogers (AL)
Davis (AL)	LaHood	Rogers (KY)
Davis (CA)	Langevin	Ross
Davis (FL)	Lantos	Rothman
Davis (IL)	Larsen (WA)	Roybal-Allard
Davis (TN)	Larson (CT)	Ruppersberger
Davis, Jo Ann	Latham	Rush
DeFazio	LaTourette	Sabo
DeGette	Leach	Salazar
Delahunt	Lee	Sánchez, Linda
DeLauro	Levin	T.
Dent	Lewis (KY)	Sanchez, Loretta
Dicks	Lipinski	Sanders
Dingell	Lofgren, Zoe	Schakowsky
Doggett	Lowe	Schiff
Doyle	Lynch	Schwartz (PA)
Drake	Maloney	Schwarz (MI)
Duncan	Marchant	Scott (GA)
Edwards	Markey	Scott (VA)
Ehlers	Marshall	Serrano
Emanuel	Matheson	Shaw
Engel	Matsui	Shays
English (PA)	McCarthy	Sherman
Eshoo	McCaul (TX)	Sherwood
Etheridge	McCollum (MN)	Shimkus
Evans	McCotter	Simmons
Farr	McDermott	Skelton
Fattah	McGovern	Slaughter

Smith (NJ)	Thompson (CA)	Wasserman
Smith (WA)	Thompson (MS)	Schultz
Snyder	Tiberi	Waters
Sodrel	Tierney	Watson
Solis	Towns	Watt
Spratt	Udall (CO)	Waxman
Stark	Upton	Weiner
Strickland	Van Hollen	Weldon (PA)
Stupak	Velázquez	Wexler
Sweeney	Visclosky	Whitfield
Tanner	Walden (OR)	Wolf
Tauscher	Walsh	Woolsey
Taylor (MS)	Wamp	Wu
Thomas		Wynn
		Young (AK)

#### NOES—140

Akin	Garrett (NJ)	Myrick
Bachus	Gingrey	Neugebauer
Baker	Gohmert	Northup
Barrett (SC)	Goode	Norwood
Bartlett (MD)	Goodlatte	Nussle
Barton (TX)	Granger	Osborne
Beauprez	Graves	Otter
Bilirakis	Green (WI)	Oxley
Bishop (UT)	Gutknecht	Pearce
Blackburn	Hall	Pence
Blunt	Harris	Pitts
Boehner	Hastings (WA)	Poe
Bonilla	Hayes	Pombo
Bonner	Hayworth	Price (GA)
Boustany	Hefley	Putnam
Brady (TX)	Hensarling	Radanovich
Brown (SC)	Herger	Regula
Brown-Waite,	Hobson	Reberg
Ginny	Hoekstra	Rogers (MI)
Burgess	Hostettler	Rohrabacher
Burton (IN)	Hulshof	Ros-Lehtinen
Buyer	Hunter	Royce
Calvert	Hyde	Ryan (WI)
Cannon	Issa	Ryun (KS)
Cantor	Istook	Saxton
Carter	Jindal	Sensenbrenner
Chabot	Johnson, Sam	Sessions
Chocola	Jones (NC)	Shadegg
Cole (OK)	Keller	Shuster
Conaway	King (IA)	Simpson
Cox	Kingston	Smith (TX)
Crenshaw	Kline	Souder
Culberson	Knollenberg	Stearns
Davis (KY)	Lewis (CA)	Sullivan
Deal (GA)	Linder	Tancred
DeLay	LoBiondo	Taylor (NC)
Diaz-Balart, L.	Lucas	Terry
Diaz-Balart, M.	Lungren, Daniel	Thornberry
Doolittle	E.	Tiahrt
Dreier	Mack	Turner
Emerson	Manzullo	Weldon (FL)
Everett	McCrery	Weller
Feeney	McHenry	Westmoreland
Flake	McKeon	Wicker
Forbes	McMorris	Wilson (SC)
Fortenberry	Mica	Young (FL)
Fox	Miller, Gary	
Franks (AZ)	Musgrave	

#### NOT VOTING—9

Bass	Harman	Ryan (OH)
Boyd	Lewis (GA)	Udall (NM)
Davis, Tom	Meek (FL)	Wilson (NM)

#### ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1706

Messrs. CALVERT, ROGERS of Michigan, HEFLEY, COLE of Oklahoma, and McKEON changed their vote from “aye” to “no.”

Messrs. BRADLEY of New Hampshire, MURPHY, and SODREL, and Mrs. JO ANN DAVIS of Virginia changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. HARRIS. Mr. Chairman, on rollcall No. 305, the Obey Amendment, I was recorded as voting “no” and wished to vote “aye.”